

APPROVED: Meeting No. 17-89

ATTEST: *Sharon Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 14-89

April 10, 1989

The Mayor and Council of Rockville, Maryland convened in General Session in the Council Chamber, Rockville City Hall, Maryland Avenue at Vinson Street, Rockville, Maryland, on Monday, April 10, 1989, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Viola Hovsepian

Councilmember David Robbins

ABSENT

Councilmember Stephen Abrams

The Mayor in the Chair.

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. On May 1, there will be a brief presentation of the recommended FY1990 budget followed by a worksession/forum on drug issues in the community.
2. During April, the Mayor and Council will be holding worksessions with the Boards and Commissions. This provides an opportunity to recognize the important work that the Boards do throughout the year and to bring up relevant budget issues.
3. An updated copy of the Guide to City Government has recently been completed and is available to the public.
4. An invitation has been extended to the principals of Rockville's high schools for the selection of six students from each school to participate in "Student Government Days 1989." The participating students will present their suggestions to the

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Mayor and Council at the meeting of May 22.

5. The pilot yard waste composting program began last week.

6. Mr. Romer reported on the development of the recommended plan for Affirmative Action scheduled for action later on the agenda.

Re: Recognition: Lakewood Elementary
Students

Lakewood Elementary School's sixth grade gifted and talented class recently won the 1989 Elementary Knowledge Master Open. Their advisor, Marilyn Schuman, was presented with a plaque for the school recognizing this achievement and each of the 22 students received a certificate of recognition.

Re: Approval of Proclamation of Fair
Housing Month in Rockville, April
1989.

Proclamation No. 4-89

By a unanimous vote of the Mayor and Council, April was declared "Fair Housing Month" in Rockville. Councilmember James Coyle read the Proclamation, the full text of which can be found in Proclamation File No. 4 of the Mayor and Council, which was presented to Richard Allen from Suburban Maryland Fair Housing. Mr. Allen expressed his appreciation to the Mayor and Council and noted that Suburban Maryland Fair Housing offices are located at 414 Hungerford Drive, Suite 216, should anyone need their assistance.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to any citizen who wished to address the Mayor and Council.

1. Bob Dorsey, Marcia Court, on behalf of the Human Rights Commission and as a citizen, requested that the Mayor and Council move up on the agenda Item #15, Adoption of resolution to adopt a plan for affirmative action. Mayor Duncan noted that it would be moved up to Item #10.

Mr. Dorsey also requested that the following be added to the official minutes

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of the meeting and that an approved copy be sent to the family of Michael Taff.

"As you know, our past chairman, Michael Taff, passed away several weeks ago. At our last meeting, the commission spent considerable time discussing what we could do to further Mike's memory and his contributions to the City.

For those of us who worked with Mike on the commission since his appointment, he represented something very special. In many respects, he was an inspiration and a moral force that bound us together for the virtues he extolled and the commitment he had to those public policy ideals expressed in the Human Rights Ordinance. Despite the barriers he overcame on a daily basis, none of us can ever recall one utterance of a complaint coming from him.

In the last opportunity we had together at the Martin Luther King Day Celebration, Mike did raise a concern and complain. You are well aware of that, and we appreciate the time and talent the City is putting together to eventually make the stage at the Fitzgerald Theatre and the surrounding area accessible for the handicapped. We recognize that these things take time.

On our part, we would like to formally request that we be allowed to place at the base of the stage at the theatre, where a permanent disabled lift will be placed, a commemorative plaque in Mike's memory as a permanent reminder for us and all future commission members of what he meant to us and the City. This would be done by the commission at no cost to the City at the appropriate time. We only request that the City officially approve the design and facilitate whatever may be needed to have this done.

Somewhat less specific, however no less important, would be our request that within the City program called "Art in Public Places," perhaps special consideration might be made in reserving or designating one of those areas for a piece of art sculpture done by and commissioned specifically by a physically impaired individual as a clear signal of accessibility. At this stage, this is just an idea. We would appreciate whatever help is available to determine the feasibility of the idea and, of course, your

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opinions and those of the persons involved with this program in the City."

Councilmember Hovsepian indicated that it was an excellent suggestion, and that the Mayor and Council will certainly follow-up.

Judy Greenberg, 2304 Chilham Place, President of Rockville Arts Place, introduced the new executive director of Rockville Arts Place, Jack Rasmussen. Mrs. Greenberg noted that his expertise and knowledge of the art world will be a great asset in the establishment of Rockville Arts Place as a regional center.

The Mayor and Council welcomed Mr. Rasmussen, indicating that the Rockville Arts Place is one of their priorities.

Ilana Resnick, Farm Haven Drive, Rockville, Maryland, thanked the Mayor for writing to her second grade class at Farmland Elementary School, and invited the Mayor and Council to visit their class (New Work City).

Mayor Duncan indicated that he had heard from her Mayor (teacher) today and would set a date for he and the Councilmembers to visit.

There being no other citizen wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Approval of Minutes

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the minutes of Meeting No. 12-89 (March 20, 1989) were approved as written.

Re: Reappointment of Sally Roy and
Leanne Mertz and Appointment of
Martin Trusty to Alternative
Service Commission

Upon motion of Councilman Coyle, duly seconded and unanimously passed, Sally Roy and Leanne Mertz were reappointed and Martin Trusty was appointed to the Alternative Service Commission.

Re: Reappointment of Craig Falk to
Economic Development Council

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Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Craig Falk was reappointed to the Economic Development Council.

Re: Reappointment of William
Neudorfer to Historic District
Commission

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, William Neudorfer was reappointed to the Historic District Commission.

Re: Appointment of Jeffrey Hull
to Human Rights Commission

Mayor Duncan stated that the Human Rights Commission Chairman had requested deferral of this appointment until Mr. Hull had an opportunity to attend a commission meeting.

Re: Reappointment of Daniel Barnett and
Mary Vaarwerk to Landlord-Tenant
Affairs Commission

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Daniel Barnett and Mary Vaarwerk were reappointed to the Landlord-Tenant Affairs Commission.

Re: Appointment of William Mitchell
to Personnel Appeals Board

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, William Mitchell was appointed to the Personnel Appeals Board.

Re: Appointment of Robert Silvanik
to Public Education Advisory
Commission

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Robert Silvanik was appointed to the Public Education Advisory Commission.

Re: Reappointment of Stephen Edwards,
Genie McKay and Robert Taylor and
appointment of Michael McGinley to
the Recreation and Park Advisory
Board

Upon motion of Councilmember Robbins, duly seconded and unanimously passed,

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Stephen Edwards, Genie McKay and Robert Taylor were reappointed and Michael McGinley was appointed to the Recreation and Park Advisory Board.

Re: Appointment of Alan Levine to
Traffic and Transportation Commission

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Alan Levine was appointed to the Traffic and Transportation Commission.

Re: Report of the Child Care Task Force

Eleanor Northway, Chairperson of the Child Care Task Force, presented their final report to the Mayor and Council and commended the outstanding work of the task force members. She noted that their report was limited to child care and that time and resources did not permit them to address the growing need for daytime care of elderly, care for disabled children and children over the age of ten years.

In response to Mayor Duncan's question as to a recommended course of action, Mrs. Northway stated that she felt a public forum was appropriate to alert the public to the contents of the report. Mayor Duncan responded that a public forum would be scheduled within the next month or two and that copies of the report would be disseminated to civic associations and other local groups.

Mrs. Northway reviewed some of the recommendations contained in the report, indicating that the need in Rockville is very serious and that all the centers she has polled are currently full. She noted that there are so many unmet needs--infants and latchkey children in particular. Mrs. Northway stated that the Child Care Connection is developing a database from which specific data as to needs in Rockville can be generated. In response to Councilmember Coyle's question, Mrs. Northway noted that more of both family day care and employer-based day care are needed to meet the needs.

Mrs. Northway expressed concern that Rockville residents don't know where to go to get information on child care programs; that while the City's programs are advertised, the City Guide should contain information on all types of child care

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available in the City of Rockville. Additionally, she noted that City Hall staff should be able to properly refer citizens when requested services are not available in Rockville.

The Mayor and Council thanked Mrs. Northway and the members of the task force for an excellent report, noting that the City will pursue a day care liaison to follow-up on relevant issues and keep abreast of what the County is doing.

Re: Approval of waiver for on-site Storm Water Management for the property at 202 Mason Drive in the Rock Creek drainage area, and acceptance of a \$64,860 contribution for the off-site SWM fund.

The developer, Envelopes Unlimited, plans the construction of a warehouse with a parking lot. The proposed construction will result in 1.41 acres of imperviousness.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council approved a waiver for on-site Storm Water Management for the property at 202 Mason Drive in the Rock Creek drainage area, and acceptance of a \$64,860 contribution for the off-site SWM fund.

Re: Approval of waiver for on-site Storm Water Management for 6 Taft Court, owned by Redgate III Limited Partnership (Applicant, Rickman Construction), and the acceptance of a \$96,600 contribution for the off-site SWM program.

An office building will be constructed on this unimproved site. The proposed building and related improvements will result in 2.1 acres of impervious area. The site was used as a sediment basin during dredging of the golf course ponds which makes the soils unsuitable for SWM. The developer is seeking a waiver of on-site SWM requirements (2.1 acres @ \$46,000 per acre) to support off-site SWM.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council approved a waiver for on-site Storm Water Management for 6 Taft Court, owned by Redgate III Limited Partnership (Applicant, Rickman Construction), and the

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acceptance of a \$96,600 contribution for the off-site SWM program.

Re: Approval of Sole Source Contract for Independence Day fireworks display by Zambelli, Internationale of New Castle, Pennsylvania, in the amount of \$22,040.

The Fourth of July fireworks display at Richard Montgomery High School stadium will include ground displays, aerial display shells, and grand finale shells. Zambelli Internationale has been the sole source for providing quality fireworks displays to the City for the last ten years.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council approved a sole source contract for Independence Day fireworks display by Zambelli, Internationale of New Castle, Pennsylvania, in the amount of \$22,040.

Re: Award of contract to Audio Visual Imagineering, Inc. for Hometown Holidays' laser show.

"Hometown Holidays", May 25, 26, 27, 28, and 29 is a special event designed to showcase a cooperative venture between government, local businesses, and community organizations to promote the town center's rebirth. A laser light show will complement the Saturday and Sunday evening concerts and will highlight each sponsor's logo or recognition designs. The performance fee includes equipment, technical crew, design, set-up, rehearsal, performance, and laser safety clearances.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council awarded the contract in the amount of \$23,250 to Audio Visual Imagineering, Inc. for Hometown Holidays' laser show. The award will be offset by sponsor contributions.

Re: Acceptance of a proposal from PEPCO to make 87 street light conversions on Rockville Pike for \$20,725.

These conversions continue an on-going program of the City for replacing mercury vapor lights with high-pressure sodium lights. This will bring the section of

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Rockville Pike from Edmonston Drive to south city limits into compliance with our illumination standards.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council approved acceptance of a proposal from PEPCO to make 87 street light conversions on Rockville Pike for \$20,725.

Re: Award of Bid 92-89 for the installation of two new traffic signals to Simpson Electric Company, Annapolis, MD for its low bid of \$103,645, and purchase of two Econolite KMCE-8000 traffic signal controllers from the State Highway Administration for a total of \$21,520.

Together, these two actions will provide the equipment and services needed for installation of new traffic signals on Maryland Avenue at Fleet Street and at Argyle Street.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council awarded Bid 92-89 for the installation of two new traffic signals to Simpson Electric Company, Annapolis, MD for its low bid of \$103,645, and purchase of two Econolite KMCE-8000 traffic signal controllers from the State Highway Administration for a total of \$21,520.

Re: Adoption of Cost of Living Adjustments for retired City employees.

The Retirement and Disability Board has recommended a 4% Cost of Living Adjustment for those retirees who retired prior to July 1, 1988, and a 3% Cost of Living Adjustment for those employees retired subsequent to July 1, 1988. Funding will come from surplus in the Pension Fund.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council adopted Cost of Living Adjustments for retired City employees.

Re: Preliminary Review - Text Amendment Application T-95-89, Mayor and

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Council of Rockville, Applicant.

The proposed amendment will provide a new definition of Health Professional as a person licensed or certified by a Board under the Maryland Department of Health and Mental Hygiene and substitute this term where "medical practitioner" is used in the definition of Home Occupation. This proposed amendment will allow a wider range of health related professions to operate under the home occupation standards.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council approved Text Amendment Application T-95-89 for processing and forwarding to the Planning Commission for review and recommendation.

Re: Introduction of Ordinance to amend Section 7-2.16 of Chapter 7-216 the "Laws of Rockville," entitled "Water Consumption Charge" so as to eliminate a minimum charge.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, an ordinance was introduced to amend Section 7-2.16 of Chapter 7 of the "Laws of Rockville," entitled "Water Consumption Charge", so as to eliminate a minimum charge.

Re: Introduction of Ordinance to amend Section 7-2.17 of Chapter 7 of the "Laws of Rockville," entitled "Sewer Usage Charge", so as to eliminate a minimum charge.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, an ordinance was introduced to amend Section 7-2.17 of Chapter 7 of the "Laws of Rockville," entitled "Sewer Usage Charge", so as to eliminate a minimum charge.

Re: Approval of a supplemental CDBG application to Montgomery County in order to add \$37,907.53 to the Year 14 (1988-89) CDBG Contract for the installation of siding at David Scull Court.

The Year 11 (1985-86) and Year 12 (1986-87) Community Development Block Grant Contracts have been closed out leaving a balance of \$37,907.53 retained by Montgomery

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County. The Rockville Housing Authority has been discussing the conversion of a previously authorized \$30,000 CDBG grant intended for painting buildings at David Scull Court to the installation of siding as a means of avoiding recurring maintenance costs. The addition of the of the \$37,907.53 would make installation of siding more feasible and the work could be performed within the timeframe of the Year 14 CDBG contract which expires in July 1990.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, supplemental CDBG application to add \$37,907.53 to the Year 14 CDBG Contract for the installation of siding at David Scull Court was approved. Mayor Duncan requested that this application be transmitted via a letter to Mr. Ferrara, Director of Montgomery County's Department of Housing and Community Development.

Re: Award of Proposal #82-89 for an automated street tree inventory, management plan, and customized software program to Systemics, Inc. of Nokomis, Florida, in the amount of \$28,195.

The automated street tree inventory, management plan, and customized software program will assist and support the Parks Division forestry program by providing an extensive data collection and analysis of the 18,000 City street tree population, determine the transitional maintenance needs, long term maintenance and management requirements, and provide computerized tracking, historical, and service request files.

Councilmember Coyle questioned the impact of the proposed program in assessing and identifying the extent of the gypsy moth problem. Staff responded that because of its timing, i.e., May-June, when gypsy moth activity is going on, the program would help in this area. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council awarded Bid #82-89 to Systemics, Inc., in the amount of \$28,195.

Re: Approval of FY90 rates and fees for use of the Civic Center facilities, Recreation Centers, picnic sites and

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garden plots.

The Recreation and Parks Advisory Board has recommended a 5% increase in rates and fees for use of the Civic Center facilities, recreation centers, picnic sites and garden plots. The increase is necessary in order to offset higher personnel and supply costs. With the proposed 5% increase, the rates will remain competitive with similar facilities.

Councilmember Hovsepien questioned the contract status with Rockville Little Theatre and Rockville Musical Theatre, and Civic Center Director Bob Giesy noted that they both still have a contract rate but it was not planned to extend this contract arrangement to any other groups. Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the Mayor and Council approved a 5% increase for FY90 in rates for the use of the Civic Center facilities, picnic sites and garden plots.

Re: Introduction of Ordinance to Adopt
Rockville Pike Corridor Neighborhood
Plan.

Following a public hearing on the Recommended Plan on December 12, 1988, the Mayor and Council, worksessions were conducted on the issues raised at the public hearing and subsequent testimony was included in the record. Staff was instructed to prepare a final version of the Rockville Pike Corridor Neighborhood Plan.

Re: Introduction of Ordinance to Grant
- Text Amendment Application T-91-
88, Mayor and Council of Rockville,
Applicant.

This Zoning Ordinance text amendment was prepared in coordination with the Recommended Rockville Pike Plan to help implement zoning, land use and urban design recommendations contained in the Recommended Rockville Pike Corridor Neighborhood Plan. It consists of four sections:

1. A new article containing specific new regulations applicable in the Rockville Pike Corridor Area and Metro Performance District.

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2. A new Development Standards Table for the two new Rockville Pike Corridor zoning classifications.
3. A new Table of Uses for the two new zones.
4. A number of miscellaneous amendments to various existing sections of the Zoning Ordinance to include or complement the new zones and regulations.

Re: Introduction of Ordinance to Grant
Zoning Map Amendment Application M-
52-88, Mayor and Council of
Rockville, Applicant.

This Zoning Map Amendment was prepared in coordination with the Recommended Rockville Pike Plan to help implement zoning and land use recommendations contained in the Recommended Plan.

Councilmember Hovsepian noted that the text and maps should correlate; on the maps Congressional Lane is referred to as Congressional Airport Lane. Mrs. Hovsepian noted several other corrections which have been transmitted to Planning and will be clarified prior to adoption. Upon motion of Councilmember Hovsepian and with the technical corrections noted, duly seconded and unanimously passed, Ordinance to Adopt the Rockville Pike Corridor Neighborhood Plan, Ordinance to Grant Text Amendment Application T-91-88 and Ordinance to Grant Map Amendment Application M-52-88 were introduced.

Re: Introduction of Resolution to amend
the Charter of the City of Rockville
so as to provide that the position
of assistant city manager shall be
included in the list of positions
that the Council may include in the
non-merit system by ordinance and
to remove the positions of 1)
assistant to the city manager; 2)
deputy police chief; 3) members of
the information systems division;
4) senior budget analyst; 5) golf
course superintendent; 6) assistant
golf course superintendent; 7)
administrative assistant to the
director of recreation and parks;
8) assistant director of finance;

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9) landscape architect; 10) aquatic facilities manager (evening and weekend); and 11) public information officer, from the list of positions that the Council may include in the non-merit system by ordinance, and further to provide that any new position authorized and approved by Mayor and Council may be placed in the non-merit system.

Rockville's Retirement and Disability Board recommended to the Mayor and Council that only department heads, assistant city manager, administrative assistant to the city manager, and any part-time, temporary unpaid offices and positions should be included in the non-merit system of the City of Rockville. Pursuant to the Board's recommendation, this Charter Amendment was prepared. A provision was also included in the suggested Charter amendment to provide that any new position created by the Mayor and Council may be, but is not required to be, designated as a non-merit position depending upon the desires of future Mayor and Councils. By including this provision, the Charter would not have to be amended in the future, should additional non-merit positions be created in the City.

Following clarification by City Attorney Paul Glasgow as to the intent of the proposed Charter Amendment (to add the position of Assistant City Manager and reduce the number of contract positions in the City government) and upon motion of Councilmember Robbins, duly seconded and unanimously passed, said Charter amendment was introduced. Mayor Duncan noted that the effective date, due to charter requirements, would be August 1 rather than July 1.

Re: Adoption of Resolution to adopt a plan for affirmative action.

City Manager Romer issued a revised affirmative action plan including implementation guidelines. This plan is the culmination of input from a number of groups, and the resolution would adopt the recommended plan and guidelines.

Mr. Romer reported on the definition of labor market, i.e., actual place of

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residence of all applicants for positions with the City of Rockville, noting that within one year of adoption of the implementation plan, the City would be in a position to develop standards for an Affirmative Action plan. Councilmember Robbins questioned why this information was not already available. Mr. Romer indicated that it had not been collected in a coordinated fashion and, with the new application forms, the data could now be gathered and processed.

Councilmember Robbins also inquired about the standard recruitment and advertisement practices for non-promotional positions and the average number of applicants for positions in the City. Staff advised that there is heavy reliance on regional media, and that there are generally 100-150 applicants for professional level positions and 50-100 applicants for clerical and blue collar positions. It was also noted that there is a higher rate of turnover in manual labor positions although statistics of actual vacancy rates for City positions are not available at this time.

Councilmember Coyle noted that he is proud of what the City has done in the area of Equal Employment Opportunity, but that doesn't mean the City can't do better in certain areas where identified. He further voiced his concerns about the fine line between Equal Employment Opportunity, Affirmative Action and reverse discrimination. Rather than setting artificial figures for goals, he feels that the City should rely on the City Manager's suggestions for areas where we can improve using the affirmative action approach.

Councilmember Hovsepian noted that various groups had offered additional ways to advertise and that it is important to take additional time to develop a database. She further stated that it is a good program to start with.

Mayor Duncan noted his sense of frustration with waiting a year for implementation; that he felt they were voting on an implementation program to get to an Affirmative Action Plan. Mr. Romer stated that the plan goals would be based on a homogeneous, defensible database which he felt confident would be available in less than

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a year.

Councilmember Robbins requested that they be provided information as to what jobs are vacant and how they are being advertised while the database is being established. Mr. Romer noted that such an evaluation would be provided to the Mayor and Council.

Mayor Duncan asked if there was support on the Council for a change in the plan for implementation to six months. Councilmember Coyle suggested keeping it a year, Councilmember Robbins noted that if it was possible to have a statistically significant database in that time period he would agree; otherwise, he would favor extending it.

In response to Councilmember Coyle's question regarding what is being done in the interim to attract applicants in lieu of a new plan, staff noted that there is a community outreach program in place and that job postings are sent to various organizations and associations. Councilmember Coyle asked if staff is satisfied that this effort is bringing qualified candidates; staff responded that the new application forms will provide the City with information to assess what has been successful and what has not been.

Councilmembers Robbins and Hovsepien agreed on a goal for implementation of six months or as quickly thereafter as possible, and it was agreed that the language be changed to reflect statement.

Mayor Duncan asked about the current make-up of City employees by EEO categories and why certain positions are in certain categories. Mr. Romer responded that information would be provided within the next month as to what the categories are, what positions are in those categories and the make-up of those categories.

Discussion followed regarding adoption of an implementation plan as opposed to a formal resolution; that adoption of a resolution may be viewed as taking the pressure off of the City to pursue an Affirmative Action Plan and that it does not accurately address the issue being voted on. Following further discussion as to the

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terminology of the action, upon motion of Councilmember Hovsepian, duly seconded, with Councilmember Coyle abstaining, the Mayor and Council approved the presentation before them with the earlier noted amendment of six months or as quickly thereafter as possible for a labor market database.

Re: Approval of Art Acquisition Program.

This new program has been developed for the purpose of purchasing/commissioning artwork to be displayed within the City of Rockville facilities. It is conceived as an ongoing program to be incorporated into the operating budget at an estimated annual cost of \$5,000. The proposed FY89 project is the commissioning of artwork to be permanently displayed in the Mayor and Council chambers within City Hall.

Discussion followed as to locale of artists and staff clarified that advertising will be done on a regional basis. It was further clarified that the first year's purchase would be permanently located in the Mayor and Council Chamber. Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the art acquisition program was approved with an estimated annual operating budget of \$5,000, the source of funding being the Targets of Opportunity fund.

Re: Adoption of Resolution to Grant -
Annexation Petition X-105-88, Joseph
A. Lynott, Attorney for EBH
Enterprises, Ltd., Applicant.

Resolution No. 6-89

The applicant requests annexation into the City of Rockville and R-90 zoning of a 5.04 acre parcel located on the southwest side of Darnestown Road opposite Research Boulevard.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution No. 6-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, was adopted to provide R-90 zoning of the 5.04 acre parcel located on the southwest side of Darnestown Road opposite Research Boulevard.

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Re: Introduction and Adoption of Ordinance to amend the Zoning Map by adding 5.04 acres of land of EBH Enterprises and placing said property in the R-90, One Family Detached, Restricted Residential Zone.

Ordinance No. 6-89

Pursuant to Article 23A of the Annotated Code of Maryland, the petitioner requests annexation into the City of Rockville and R-90 zoning of a 5.04 acre parcel located on the southwest side of Darnestown Road opposite Research Boulevard. The petitioner has also filed, for concurrent consideration, an exploratory application for development of the subject property and the 5.59 acre parcel adjacent to it for residential townhouses pursuant to the special development procedures of the Rockville Zoning Ordinance.

The Petitioner had requested that the layover period be waived. Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the layover period required by the Charter was waived.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Ordinance No. 6-89, the full text of which can be found in Ordinance Book 14 of the Mayor and Council, was adopted to add 5.04 acres of land of EBH Enterprises and place said property in the R-90, One-Family, Detached, Restricted Residential Zone.

Re: Adoption of Resolution to Grant - Exploratory Application for Residential Townhouse Development RTH-10-88, Joseph A. Lynott, Attorney for EBH Enterprises, LTD., Applicant.

Resolution No. 7-89

The applicant seeks exploratory stage approval for a 38-unit townhouse development on a 10.63 acre site located on the southwest side of Darnestown Road opposite Research Boulevard. This proposal covers two parcels of land: one which was annexed in 1988, and one which is the subject of Annexation Petition X-105-88 being

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concurrently considered.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Resolution No. 7-89, the full text of which can be found in Resolution Book 9 of the Mayor and Council, was adopted to approve the exploratory application RTH-10-88, Joseph A. Lynott, Attorney for EBH Enterprises, Ltd., Applicant.

Re: Review and Recommendation -
Montgomery County Recommended FY
1990-1995 Capital Improvements
Program (CIP).

The staff and Planning Commission reviewed the Montgomery County Recommended FY 1990-1995 Capital Improvements Program for projects having an impact on the City of Rockville. Their recommendations are contained a memorandum from the Planning Commission to the Mayor and Council dated March 9, 1989.

With respect to the addition of modular units at the Detention Center, Councilmember Coyle asked if neighborhood associations were brought into discussions and received necessary assurances. Mr. Romer informed the Council that information had been disseminated to community groups advising residents of three open houses and the availability of additional information.

Russ Hamill, Assistant Chief Administrative Officer for Montgomery County, and Calvin Lightfoot, Director, Department of Correction and Rehabilitation, gave a presentation to the Mayor and Council regarding the current status of the Detention Center and the fact that the County has maintained a sound and secure institution. In response to Councilmember Coyle's question, Mr. Hamill advised that, with the exception of one walk-off of a trustee, there had been no escapes from the Detention Center since 1973-74. Mr. Lightfoot noted that the citizen outreach group had worked with them and were in agreement with the current plans for expansion. He further noted that 38 correctional officers will be added to the Detention Center staff for the new modular units which will maintain or enhance the current guard/prisoner ratio.

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When asked how many modular units would be at the site by 1996, Mr. Lightfoot responded that it is the initiative of the County Executive and Council Council to accelerate the new County-wide facility site selection and construction and that there will be an alternative by 1996.

Regarding plans for the County-wide facility, Mr. Hamill stated that Mr. Kramer has requested that the Site Selection Committee have a site selected by summer, that the current PDF calls for groundbreaking in 1994, but that they anticipate moving as quickly as possible.

Mr. Hamill also reviewed several approaches which the Criminal Justice Commission has recommended to reduce the need for cells at the current Detention Center site which include a pre-trial diversion unit and differentiated case management. Mayor Duncan noted that previous County Executive Charles Gilchrist had given a commitment that once they finished the last expansion of the Detention Center, there would be no future expansion. Once the modular units are completed, Mayor Duncan asked if Mr. Kramer would commit not to expand. Mr. Hamill advised that Mr. Kramer has no intention of coming back and expanding facility; that it was a good faith effort when the commitment was made by Mr. Gilchrist but dire circumstances have caused changes. The Mayor requested that he and the Council be kept fully apprised of all developments.

Upon an amended motion by Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council recommended transmittal of approval to the County Council of the County's Recommended FY1990-1995 Capital Improvements Program with the following stipulations:

1. The City enter into an intergovernmental agreement with Montgomery County to get the construction of the new county-wide facility accelerated and into the CIP as early as possible and that they receive a commitment from the County that once the new facility is operating, the maximum population level at the Rockville Detention Center will be down to the level of 450-500 inmates.

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2. With respect to PDF#7-88 Key West Avenue - Gude Drive to I-270 and PDF#7-90 Key West Avenue - Shady Grove to Gude Drive, the name identifying these road projects be changed to West Montgomery Avenue to be consistent with the Planning Commission's recommendation to Maryland-National Capital Park and Planning Commission regarding changing the name of the street.

Re: Discussion and Instructions
to Staff Amendment Application
T-92-88, Farid Srour,
Applicant.

The applicant seeks to redevelop an O-1 zoned property with a project that would consist of office and apartment uses and some retail uses. A limited amount of retail use is permitted in the zone, but residential use is not. The application also stipulates that no increase in floor area ratio (FAR) or building height will be permitted with the inclusion of residential units.

Both the staff and Planning Commission have recommended approval of the text amendment with a modification to add a limit to the residential density to a maximum of 60 units per acre.

Mayor Duncan asked Mr. Romer if the applicant had asked for consideration of some peripheral issues; Mr. Romer responded that between now and adoption, staff will comment on latest issues raised by applicant.

Upon motion of Councilmember Hovsepien, duly seconded and unanimously passed, the staff was instructed to proceed to prepare an ordinance to amend the Zoning Ordinance to allow multi-family dwellings as permitted uses in the O-1 Zone.

Re: Discussion and Instructions to Staff
- Zoning Map Amendment Application
M-53-88, Joseph A. Lynott, Attorney
for J.A.J. Research One Limited
Partnership, Applicant.

This application covers a 3.298 acre record lot (Lot 10, Block "A," Washington National Pike Industrial Park) at the northwest corner of Research Boulevard and Research

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Court. The applicant is requesting a zoning change for the parcel of land from I-2, Light Industrial to I-3, Industrial Park. The parcel is improved with a three-story, 41,600 square foot research and development building and associated parking approved under Use Permit U-672-74 in 1974. Based upon a detailed analysis contained in the staff report, the staff and Planning Commission have recommended approval of this zoning reclassification.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, staff was instructed to prepare an ordinance to grant the zoning reclassification as requested.

Re: Decision and Instructions to staff
regarding the State Highway
Beautification Project.

Staff has prepared two proposals to enhance the maintenance and appearance of State highways within the City limits. The first involves mowing and litter control on median strips and the second is a two year beautification plan for Route 355 and Route 28.

There was discussion with staff as to the commencement of a contract for maintenance prior to beautification efforts. The Mayor and Council were informed that the mowing costs were relatively low for a high level of visual impact.

Councilmember Hovsepian requested that specific areas be selected for beautification efforts. Following discussion, it was agreed that the targeted areas would be:

1. Intersection of Falls Road, West Montgomery Avenue and Jefferson Street (mixing bowl);
2. Replacement of dead trees, bushes and hedges along Veirs Mill Road;
3. Entrances along Route 355 at Twinbrook Parkway and Gude Drive;
4. Area of Welcome to Rockville sign on Veirs Mill Road;
5. Median opposite Montgomery College along Route 355;

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6. Median strip after Twinbrook Parkway on Veirs Mill Road.

With the Mayor and Council advocating the commencement of the beautification program on a phase-in basis with priority areas as stated and upon motion of Councilmember Hovsepian, duly seconded and unanimously passed:

- Up to \$25,000 was approved as the initial funding for highway beautification, the source of funding being the Targets of Opportunity fund; and

- Funds as requested for mowing and litter control were approved.

Staff was requested to work with the State Highway Administration regarding removal of the dead trees in the right-of-ways and report back to the Mayor and Council.

Re: Decision and Instructions to staff
regarding Farmers' Market.

The Recreation and Parks department has a familiarity with operating a farmers' market and staff has developed an approach to implementing an open air market for the sale of farmers' goods in the Town Center and an estimated first year cost. Montgomery County will provide assistance to the project in terms of contacts with prospective farmers and appropriate vendors while the City would financially support and operate the market.

Councilmember Coyle questioned the subsidization of the vendors to which staff responded that the subsidy of \$50 per week per vendor would ensure that farmers remain for the entire season. Mr. Romer noted that there would be paybacks to the City in terms of increased economic activity and increasing the identity of the Town Center location. Additionally, the farmers' market would provide a recreational/leisure time activity.

Mr. Romer recommended a limited start in the farmers' market arena, and staff noted that the farmers' market would operate on Friday afternoons and evenings and Saturday mornings only. Staff reported that the location would be in the area between Magraders and Pier One; that there would be three colorful tent canopies and that marketing would be the key to its success. Other issues such as adequate parking and

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banners advertising the farmers' market were discussed. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, staff was instructed to pursue the farmers' market project and report back with an update to the Mayor and Council within a month.

Re: Correspondence/FYI

Councilmember Hovsepian noted that MML's Annual Award for Excellence for the City's Fuel Recovery System was very impressive and the Public Works staff, particularly Mike Taylor, should be commended for their efforts.

Councilmember Hovsepian noted the letter of appreciation of new Chief of Police Treschuck and Officer Peters by Community Ministries with respect to their Good Friday pilgrimage.

Councilmember Hovsepian also noted another compliment of Rainee Broad and Gilbert Stewart, employees of the Civic Center Mansion, and recognition of Recreation and Parks staff Robert Plumb and Christine Heckhouse by the principal of Julius West Middle School.

Regarding the previous week's FYI, Mayor Duncan requested that a letter be sent to the County Council commenting on several Adequate Public Facilities bills currently pending before the Council.

Mayor Duncan also noted Peerless Rockville's request for use of the Mansion for their New Year's Day brunch in January, 1990; Mr. Romer indicated that staff would research and report back to the Mayor and Council in the following week's FYI.

Re: New Business

Councilmember Coyle announced that he had met with Senator Sarbanes' and Mikulski's staff and Congresswoman Morella regarding NLC's Human Development Steering Committee. He has received from Senator Sarbanes a copy of S.B. 123, the Smart Start Bill, advocating a pre-head start program, and our delegations are very supportive of NLC's position. Councilmember Coyle also discussed the Safe Kids' Campaign, and the carrying out of the national initiatives of bicycle safety. Shady Grove Hospital has

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indicated that they will work with the City to get something started locally, and Mr. Romer noted that staff will follow-up.

Councilmember Hovsepien asked what procedure is required in order to change name of street, noting the latest city map used Congressional Airport Lane. Mr. Romer reported that it was probably within the Mayor and Council's purview and would report back to the Mayor and Council with procedural requirements.

There being no further new business to come before the Mayor and Council in General Session, the meeting was adjourned to the Boards and Commissions Room at 10:45 p.m.

Re: Status Report: Ritchie Parkway and
Tower Oaks development.

Staff presented a brief overview of the project noting that the Planning Commission was expected to review the final record plat for dedication of Tower Oaks Boulevard on Wednesday evening.

Gary Abramson, partner with Tower-Dawson Limited Partnership, reported that although you still can't drive into the site, there has been interest expressed from Fortune 100 companies in relocating their regional headquarters to Tower Oaks. He felt that the bridge over I-270 interchange is going forward and it should be completed within 18 months to two years. If Ritchie Parkway could be completed simultaneously with I-270 interchange, construction could begin in late spring, early summer on Tower Oaks Boulevard start in late spring, early summer with about one year for completion and within 18 months, all three could be completed--Tower Oaks Boulevard to Ritchie Parkway to I-270.

Mrs. Hovsepien asked about the bridge over I-270 and if state funds were involved and the time frame involved. Staff responded that federal funds are involved and that it should be started by September with a contract period of approximately 15 months with completion by December of 1990.

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Mayor Duncan asked about the 18 month delay to begin construction of Tower Oaks; Mr. Abramson responded that they can't show the product until they can get into the site and that they are not going to start construction without serious prospects. Mr. Abramson noted that without Ritchie Parkway, users are reluctant to commit.

In response to Councilmember Coyle's question as to whether wetlands issue is resolved, Mr. Abramson noted that permits with conditions attached have been received. With respect to the right-of-way acquisition from Woodmont Country Club, Mr. Glasgow noted that the City has quick take powers of condemnation. If a settlement couldn't be worked out with Woodmont, condemnation could take some time.

Mayor Duncan asked if there was any way to expedite the construction of Ritchie Parkway. Mr. Romer stated that they would identify every possible way to expedite and will keep the Mayor and Council up-to-date on milestones.

Mr. Abramson noted that mitigating areas have been identified and that they could start working on designing areas and selecting a consultant now. Mr. Abramson noted that most areas will be upgraded with landscaping and that there are about 19 acres in mitigation and more may be required. He further noted that the staff has been very helpful, but that things need to move along at a fast pace because a lot of Upper Montgomery County developers are courting the same users. He further indicated that he would arrange to have the prospective users meet the Mayor and Council.

Mayor Duncan asked in writing for a breakdown of items, timetable for completion and recommendation for options to expedite.

At the conclusion of the status report, the Mayor and Council adjourned at 11:23 p.m. to convene in Executive Session.

Re: Executive Session

The Mayor and Council convened in Executive Session to discuss personnel matters.

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Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 11:45 p.m. to convene again in Worksession at 7:30 p.m. on April 11, 1989 or at the call of the Mayor.